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OFFICE OF PETITIONS

JAMES R. CYPHER
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OAKLAND CA 94612

In re Application of :
Mueller : DECISION ON PETITION
Application No. 09/603,727 :
Filed: June 23, 2000 :
Docket No.: SST/1070 :

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed November 21, 2008.

The Notice of Abandonment mailed September 22, 2008 indicates that the application is abandoned for failure to timely reply to the non-final Office action mailed March 11, 2008.

Petitioners assert that a response to the non-final Office action (including three month extension of time) was timely submitted on September 11, 2008 and have provided as proof of mailing and proof of USPTO receipt a return postcard dated September 11, 2008. The postcard acknowledges receipt of the response to the non-final Office action, including three month extension of time.


The reply to the non-final Office action filed September 11, 2008 has been located in the official application file.

In view of the evidence presented, the petition to withdraw the holding of abandonment is hereby GRANTED.

The Notice of Abandonment is hereby VACATED and the holding of abandonment is WITHDRAWN.

The application file is being forwarded to Technology Center 3635 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.


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Office of Petitions